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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOORE, IAN N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,114

Applicant(s)

HAARTSEN, JACOBUS  
CORNELIS

Examiner

Ian N. Moore

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevenson (US006209112B1).

**Regarding Claim 1**, Stevenson discloses a method (see FIG. 5, method 5) of processing data packets (see FIG. 2, a packet) in a packet-based communications system (see FIG. 1, packet based radio communication system 100), the method comprising:

receiving a data packet (see FIG. 2, packet) having header (see FIG. 2, a combined system of flag 202,212, preamble 204, header 206, checksum 210) and payload information (see FIG. 2, Payload 208; see col. 3, line 26-34); see FIG. 5, step 501, receive packet; see col. 6, line 54-56); and

processing the payload information irrespective of the accuracy of the header information (see FIG. 5, steps 502,503,504,505,508; processing payload data regardless of the accuracy of a combined system header (i.e. comparing checksum values in order to detect errors, processing the payload even if there are errors); see col. 6, line 55 to col. 7, line 20).

**Regarding Claims 2 and 3**, Stevenson discloses wherein payload information is processed assuming that the data packet is a synchronous data packet or data packet relates to voice information (see col. 5, line 40-51; the payload is the encoded synchronous/voice signal).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strawczynski et al et al (US Patent 6,628,641) in view of Nishimura (US Patent 5,646,941).

**With regard to claim 4**, Strawczynski et al discloses a transceiver as illustrated by figure 5 and a corresponding flowchart illustrated by figure 6A. The transceiver includes radio unit 340 (receiving) coupled to a receive block processing unit 360 and a receive header processor 370 (column 6, lines 4-11). Strawczynski et al discloses means for detecting errors (detecting errors) in a received cell header (column 6, lines 17-21) also described as EHEC vs. header step 620 or 622 (detecting errors) (column 6, lines 4560). In the event that no error is detected (if no error is detected), the receive header processor 370 forwards the cell to the I/O unit 305 for conventional processing (processing the payload) (column 6, lines 17-21).

Strawczynski et al does not disclose if an error is detected, processing the payload independently.

Nishimura et al discloses a data receiving apparatus 381 (receiving), as illustrated by figure 8, that consists of a packet decomposer 356 that decomposes data packets into a data block Db and data header Hd portions (column 10, lines 24-28). Header analyzer 358 analyzes the header and data decoder 357 processes the data (column 10, lines 6-9) (processing ... independently).

A person of ordinary skill in the art would have been motivated to employ Nishimura et al in Strawczynski et al to prevent misinterpretation of header information (Nishimura, column 2, lines 40-46). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Strawczynski et al and Nishimura et al (collectively "Strawczynski-Nishimura") so as to obtain the invention as specified in claim 4.

**With regard to claim 5 and 6**, Strawczynski et al discloses a point-to-point radio network that that supports various applications including voice (synchronous data packet / voice information) (column 3, line 66 - column 4, line 3).

*Allowable Subject Matter*

5. Claims 8 and 9 are allowed.
6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments with respect to amended claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.
8. Applicant's arguments filed 4/25/2005 have been fully considered but they are not persuasive.

**Regarding claims 4, the applicant argued that, "...no combination of Strawczynski and Nishimura can include this feature because each of these reference expressly states that no processing of the received data takes place in the event that an error is detected in the header...the combination of these references will not support a prima facie case of obviousness against claim 4..."** in page 8, paragraph 6.

**In response to applicant's argument, the examiner respectfully disagrees with the argument above.**

Strawczynski discloses two independent ways of processing payload in accordance with valid header, if the header is valid (i.e. no error), the payload cells are forward to input/output for processing (see FIG. 6A, step 632,628) and if the header is not valid (i.e. error), then the payload cells are discard (see FIG. 6A, step 635).

Nishimura discloses if the error is detected, processing the payload information independently (see col. 10, line 24-28; see FIG. 8, packet decomposer 356 processing data (i.e. payload) "**independently**" of the header information since Header portion Hd are sent toward Header Analyzer 358 and data information Db are sent towards Data Decoder 357.

Thus, the combined system of Strawczynski and Nishimura clearly disclose the argued limitations.

**In response to applicant's arguments against** the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that the combination of references as set forth in the 103 rejections is proper, thus, Claims 4-6 are obvious over Strawczynski in view of Nishimura for at least the reasons discussed above:

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

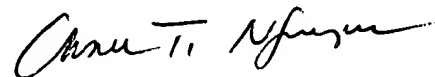
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9NM  
6/1/05



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